

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 and
6 OSAGE MINERAL COUNCIL,
7 Intervenor-Plaintiff,
8 vs. Case No. 14-CV-704-GFK-JFJ
9 OSAGE WIND, LLC;
10 ENEL KANSAS, LLC; and
11 ENEL GREEN POWER NORTH
12 AMERICA, INC.,
13 Defendants.

13 DEPOSITION OF AARON WEIGEL
14 TAKEN ON BEHALF OF THE INTERVENOR-PLAINTIFF
15 ON JUNE 29, 2021, BEGINNING AT 9:07 A.M.
16 ALL PRESENT ATTENDED REMOTELY VIA ZOOM
17 REPORTED BY KARLI DANIELS, CSR, RPR, CCR

16 APPEARANCES:

17 On behalf of the Plaintiff:

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Exhibit 2

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1 specific material. All that matters is the volume and
2 mass of what you removed and the volume and mass of what
3 goes back in the hole.

4 Q (BY MS. NAGLE) And in terms of volume and mass,
5 is another -- and I know nothing about engineering, but is
6 another factor that engineers would take into
7 consideration the size of the materials themselves?

8 A There are, you know, civil engineering standards
9 that say, you know, very large particles if you try and
10 stack them together have very big air gaps and they tend
11 to settle, and so as you can see, as the process went
12 along, you know, the reason for the correction that
13 eventually happened was that it would be dangerous and
14 risky, the turbines can fall over if you didn't, you know,
15 make the materials stable before putting them back into
16 the ground. So that discussion definitely happens.

17 Along that vein there were discussions about you
18 can build foundations without digging a hole, you can put
19 them on top of the surface. You can build foundations in
20 all kinds of different shapes and manners and ways that
21 were all discussed. Ultimately, we did it in the
22 traditional way because we thought that it conformed to
23 the law for the memo we were provided.

24 Q And I'm familiar with some of those
25 communications, and we'll get to that a little bit later.

Exhibit 2

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